



Australian Capital Territory

Magistrates Court (Occupational Health and Safety Infringement Notices) Regulation 2004

SL2004-32

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 2 November 2004 – 22 November 2007

Republication date: 2 November 2004

Regulation not amended
(republication includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Occupational Health and Safety Infringement Notices) Regulation 2004*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 November 2004. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R2
02/11/04

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1 Name of regulation

This regulation is the *Magistrates Court (Occupational Health and Safety Infringement Notices) Regulation 2004*.

3 Purpose of regulation

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the occupational health and safety legislation.

Note The *Magistrates Court Act 1930*, pt 8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Meaning of *occupational health and safety legislation*

In this regulation:

occupational health and safety legislation means—

- (a) the *Occupational Health and Safety Act 1989*; and
- (b) the *Occupational Health and Safety Regulation 1991*; and
- (c) the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000*.

6 Administering authority

The administering authority for an infringement notice offence against the occupational health and safety legislation is the OH&S commissioner.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the occupational health and safety legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the occupational health and safety legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The penalty payable by a corporation for an offence against the occupational health and safety legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the occupational health and safety legislation is \$34.

9 Contents of infringement notices—other information

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the occupational health and safety legislation must include the company's ACN.

Note The requirement under this section is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

company means a company registered under the Corporations Act.

10 Contents of infringement notices—identifying authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the occupational health and safety legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

11 Contents of reminder notices—identifying authorised person

A reminder notice served on a person by an authorised person for an infringement notice offence against the occupational health and safety legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

12 Authorised people for infringement notice offences

An inspector under the *Occupational Health and Safety Act 1989*, section 201 may serve—

- (a) an infringement notice for an infringement notice offence against the occupational health and safety legislation; and
- (b) a reminder notice for an infringement notice offence against the occupational health and safety legislation.

Note The *Occupational Health and Safety Act 1989*, s 201 provides that the commissioner, and public servants appointed under s 201 (2) are inspectors for the Act.

Schedule 1 **Occupational health and safety legislation infringement notice offences and penalties**

(see s 7 and s 8)

Part 1.1 **Occupational Health and Safety Act 1989**

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
1	47 (1)	100	1 000
2	53 (2)	10	100
3	54 (7)	1	100
4	56 (7)	1	100
5	57 (6)	1	100
6	58 (2)	1	100
7	61 (1)	50	200
8	61 (2)	50	200
9	61 (3)	10	100
10	67 (8)	1	100
11	67 (9)	10	100
12	68 (2)	10	100
13	69	100	400

Schedule 1 Occupational health and safety legislation infringement notice offences and penalties
Part 1.1 Occupational Health and Safety Act 1989

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
14	75 (3)	10	200
15	75 (4)	10	200
16	75 (6)	5	100
17	75 (7)	5	100
18	87 (1)	10	100
19	87 (4)	10	100
20	103 (3)	10	200
21	104 (4)	5	100
22	143 (2)	20	400
23	143 (3)	20	400
24	144 (1)	20	400
25	150 (2)	20	400
26	150 (3)	20	400
27	151 (1)	20	400
28	153 (1)	100	400
29	159 (2)	20	100
30	159 (3)	20	400
31	160 (1)	20	400
32	165 (1)	200	400
33	202 (3)	1	20
34	205 (2)	10	100

Part 1.2 Occupational Health and Safety Regulation 1991

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
1	10 (2)	10	200

Part 1.3 Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
1	12 (3)	5	100
2	17 (2)	5	100
3	18 (1)	5	100
4	21 (3)	5	100
5	25 (1)	10	200
6	27 (9)	5	100
7	33	5	100
8	34 (3)	5	100

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Magistrates Court (Occupational Health and Safety Infringement Notices) Regulations 2004*. It was renamed under the *Legislation Act 2001*.

Magistrates Court (Occupational Health and Safety Infringement Notices) Regulation 2004 SL2004-32

notified LR 4 August 2004

s 1, s 2 commenced 4 August 2004 (LA s 75 (1))

remainder commenced 5 August 2004 (s 2 and see Occupational Health and Safety Amendment Act 2004 A2004-29 s 2 (1))

4 Amendment history**Name of regulation**

s 1 am R2 LA

Commencement

s 2 om LA s 89 (4)

Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004, regulation 10 (a) and 11 (a)

s 13 om LA s 89 (3)

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 5 Aug 2004	5 Aug 2004– 1 Nov 2004	not amended	new regulation

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